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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.2679 OF 2005

Basant C. Misra & Anr. ... Petitioners

Vs.

Ashoka Shopping Centre Premises
C.S. Ltd. & Ors. ... Respondents

Mr. M.S. Bhandari i/b Khushbu Prabhu for the petitioners.

Mr. S.H. Karim for respondent 1.

Mr. R.M. Sawant, G.P. for respondents 2, 3 and 4.

CORAM: SMT. RANJANA DESAI &
ABHAY S. OKA, JJ.

DATED: 25TH NOVEMBER 2005.

P.C.:-

1. The petitioners have challenged in this petition order dated 15/7/2005 passed by the Divisional Joint Registrar, Co-operative Societies, Bombay Division, Bombay, whereby the Divisional Joint Registrar has refused to consider the revision application for admission because the petitioners have not deposited 50% amount of recoverable dues with the Respondent-Society in compliance with the provisions laid down in sub-section (2A) of section 154 of the Maharashtra Co-operative Societies Act, 1960 (for short, "the said Act").

2. We have heard the learned counsel appearing for the parties. Today, in the court, the learned counsel for the petitioners has tendered an undertaking of petitioner 1 for himself and for petitioner 2 as her constituted attorney. The said undertaking is accepted by us. It is

taken on record and marked "X".

3. Petitioner 1 - Basant C. Misra is present in the court.

4. In view of the undertaking which we have accepted, we pass the following order. If the petitioners deposit 50% of the recoverable dues with respondent 1 Society as per the order dated 10/6/2005 and in compliance with the provisions of section 154(2A) of the said Act, within a period of eight weeks from today, the Divisional Joint Registrar, Co-operative Societies, Bombay shall entertain the revision application and decide it in accordance with law. For a period of eight weeks, the properties of the petitioners shall not be sold. If the 50% of the recoverable dues are deposited as per the undertaking in compliance with the provisions of sub-section (2A) of section 154 of the said Act and if any application is made by the petitioners before the Divisional Joint Registrar, Co-operative Societies, Bombay, for any interim relief including the relief of raising of attachment if it is levied, the same may be considered in accordance with law. The petition is disposed of in the aforestated terms.

(SMT. RANJANA DESAI, J.)

(ABHAY S. OKA, J.)